

**MCGARRY & SIMON**  
ATTORNEYS AT LAW  
317 MADISON AVENUE

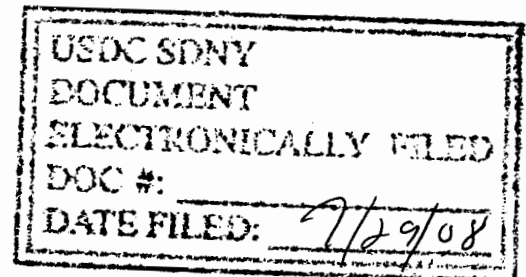
**MEMORANDUM ENDORSED**  
NEW YORK, N.Y. 10017-5021  
(212) 867-0100

FACSIMILE  
(212) 867-3243

July 29, 2008

VIA FAX (212) 805-4268

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Leake v. McAlister  
07 CIV. 2947 (CM)

Honorable Sir:

I represent the plaintiffs in the above-referenced action. I write to respectfully request extensions of time from July 29, 2008 to August 15, 2008 for the filing of the Joint Pretrial Order and other civil trial filings as required by paragraphs 3.D. and 3.E. of Judge McMahon's Individual Practices. The defendant joins me in this application.

This date was originally set for February 1, 2008 in the Civil Case Management Plan Order. By letter of November 29, 2007, I applied to Judge McMahon for enlargement of time for completing discovery from December 4, 2007 to April 4, 2008, and of the time to submit the Joint Pretrial Order and other pretrial submissions from February 1, 2008 to June 4, 2008. Said application was granted.

Because the defendant did not submit her material for the Joint Pretrial Order to me by June 4, I moved for sanctions and said motion was referred to Your Honor. A conference was held on June 24, at which Your Honor denied the motion and fixed July 29 as the date for filing the Joint Pretrial Order. The defendant emailed her material to me on July 16, 2008. However, I have not yet had time to fully consider that material. Also, I was able to meet with my very frail and elderly clients on July 14, 2008, when they made a rare trip to New York from their home in Virginia. At that meeting I was able to discuss with them for the first time the material in my draft of the Joint Pretrial Order. This has necessitated changes in the draft.

Other changes in the draft have been required due to its length and complexity. This action concerns transactions over a period of six years in several bank and securities accounts. Because the defendant had few records in her possession, I had to subpoena records

MCGARRY & SIMON

Hon. Gabriel W. Gorenstein  
July 29, 2008  
Page 2

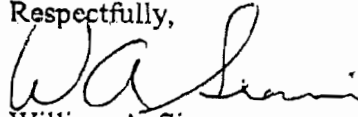
took in the matter. Consequently, plaintiffs' portion of the Joint Pretrial Order alone is 23 single-spaced pages long and includes, for example, 62 factual stipulations, 27 factual contentions, 53 proposed findings of fact, and 38 exhibits.

The finalization of this complex document has also been delayed by the extraordinary amount of work I have recently had to perform for other clients. Although I am a member of a two-lawyer firm, I have to do all of my work myself, and have no assistance even from a paralegal except on trusts and estate matters. Since meeting with my clients on July 14 I have, among many other things, had to prepare for and attend three real estate closings and three court conferences on other matters, and prepare a complaint and an emergency application for a preliminary injunction and stay to try to prevent a disabled woman from being evicted from her house in a real estate title dispute.

The defendant and I are working in good faith to file the Joint Pretrial Order. It is important that it be carefully prepared so that the action may be properly and efficiently tried.

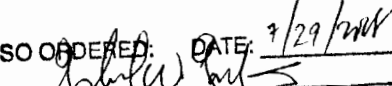
Accordingly, the defendant and I jointly request an extension of the time to file the Joint Pretrial Order and other pretrial submissions from July 29, 2008 through August 15, 2008.

Respectfully,

  
William A. Simon

cc: Phroska L. McAlister, Esq.  
Via email as requested: phroskany@hotmail.com

*(Granted. No further extensions absent formal motion showing a daily log of efforts to comply with this Order and extraordinary circumstances.*

SO ORDERED: DATE: 7/29/08  
  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE